

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION**

Joe Hand Promotions, Inc.,)	Civil Action No.: 8:18-cv-02197-DCC
)	
Plaintiff,)	
)	
v.)	
)	ANSWER OF DEFENDANTS
Thomas E. Baggott, individually, and as an)	THOMAS BAGGOTT AND
officer, director, shareholder, member)	T B PRIVATE CLUB, INC.
and/or principal of T B Private Club, Inc.)	
d/b/a TB's Shack on the Water, and T B)	(Jury Trial Demanded)
Private Club, Inc. d/b/a TB's Shack on the)	
Water,)	
)	
Defendants.)	

Defendants, Thomas Baggott and T B Private Club, Inc., answer Plaintiff's First Amended Complaint as follows:

FOR A FIRST DEFENSE

1. The First Amended Complaint, and each cause of action, fails to state a claim upon which relief can be granted. Therefore, the First Amended Complaint must be dismissed pursuant to Rule 12(b)(6), Fed. R. Civ. P.

FOR A SECOND DEFENSE

2. Defendants deny each paragraph and allegation in the First Amended Complaint not hereafter specifically admitted, qualified, or explained.

3. As to Paragraph 1, Defendant admits only that this Court has subject matter jurisdiction under 28 U.S.C. § 1331. The remainder of this Paragraph consists of a characterization of the nature of this action and the legal theories under which Plaintiff seeks relief, to which no response is required. To the extent a response is deemed required, the remainder of this Paragraph is denied. Defendant further denies that the listed claims have been adequately pled.

4. As to Paragraph 2, Defendants admit that venue is proper in this District.

5. As to Paragraphs 3, 4, 5, and 6, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore these Paragraphs are denied.

6. As to Paragraph 7, Defendants admit only that T B Private Club, Inc. is a nonprofit entity affiliated with the stated address. The remainder of the Paragraph is denied as stated.

7. As to Paragraph 8, Defendants admit only that Defendant Baggott is a resident of South Carolina, and that he is the owner of the property located at 3644 Prosperity Highway, Prosperity, South Carolina. The remainder of the Paragraph is denied as stated.

8. Paragraphs 9 and 10 are denied.

9. As to Paragraph 11, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore this Paragraph is denied.

10. Paragraphs 12, 13, 14, 15, and 16 are denied.

11. Paragraph 17 sets forth legal conclusions to which no response is required. To the extent a response is deemed required, this Paragraph is denied.

12. As to Paragraph 18, Defendants reiterate and reallege each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

13. Paragraphs 19, 20, and 21 are denied.

14. The “WHEREFORE” clause, including its subparts, is denied. Defendants deny that Plaintiff is entitled to the requested relief or any other relief.

FOR A THIRD DEFENSE

15. Plaintiff lacks standing because its alleged injuries are not fairly traceable to any acts or omissions by Defendants.

FOR A FOURTH DEFENSE

16. Plaintiff's claim is barred because Defendants had license, authorization, permission, and/or consent to undertake any actions they undertook in this matter.

FOR A FIFTH DEFENSE

17. One or more third parties are liable for the conduct alleged and will be required to answer and indemnify.

FOR A SIXTH DEFENSE

18. Plaintiff's claim is barred, in whole or in part, by the doctrine of unclean hands.

FOR A SEVENTH DEFENSE

19. Plaintiff's claims are barred, in whole or in part, because it failed to mitigate its damages.

WHEREFORE, having fully answered the First Amended Complaint, Defendants pray that the First Amended Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

BRUNER, POWELL, WALL & MULLINS, LLC

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